



**VASQUEZ BOULEVARD/INTERSTATE 70 SITE
WORKING GROUP MEETING
FINAL MEETING SUMMARY
June 15, 2000
Swansea Recreation Center**

In attendance:

Working Group

Lorraine Granado, Cross-Community Coalition
Michael Maes, Elyria neighborhood
Laurel Mattrey, Copeen
Celia VanDerLoop, City and County of Denver, Department of Environmental Health
Anthony Thomas, Clayton neighborhood
Sandy Douglas, Cole neighborhood
Bonnie Lavelle, EPA Region 8
Barbara O'Grady, Colorado Department of Public Health and Environment
Jane Mitchell, Colorado Department of Public Health and Environment
Robert Litle, Asarco
Linda Larson, Heller Ehrman (for Asarco)
Marc Herman, EPA Region 8

Others

Ted Fellman, EPA Region 8
Michael Wenstrom, EPA Region 8
Gene Hook, City and County of Denver, Department of Environmental Health
Pat Courtney, EPA
Joyce Tsuji, Exponent (for Asarco)
David Folkes, Enviro Group (for Asarco)
Chris Arend, Congresswoman Degette's office
Sandee Coulberson, ATSDR
Teresa NeSmith, ATSDR
Katie Kolarich, Copeen
Monica Heitzman, City of Denver
Jim Paulmeno, CDOT
Paul Casey, Spectrum
Del Walker, CDOT
Stacey Stegman, CDOT
Mark Asoian, CDOT

Facilitator

Louise Smart, CDR Associates

Project Schedule for Residential Soils Operable Unit

Funding and Schedule for Time Critical Removal Action

Bonnie Lavelle reported to the Working Group that the funding for the *time critical removal* of 23 homes in the VB/I-70 site has been delayed from this spring until the fall. She explained the following:

- Funding for Removal Actions taken at National Priorities List (NPL) sites must be prioritized nationally by a "prioritization panel." VB/I-70 scored high, but just missed being funded this spring. Funding is anticipated in the fall.
- Bonnie told the panel that VB/I-70 is an environmental justice site and there are cumulative risk concerns because of exposure.
- It was anticipated that the removal actions on the 23 homes would go forward even if VB/I-70 did not score high enough, because there was enough money in Region 8 to pay for this (and subsequently get reimbursed by the panel). However, those Region 8 funds went to Libby, Montana.
- EPA typically gets additional funding at the beginning of September. Pete Stephenson is expected to have funding in August of this year to begin the design work, and have the removal work done in the fall.

Anthony Thomas said that he feels this is environmental racism and environmental rape and that it will be hard to go back to the community and tell the community that the promises that were made would not be kept. He said he would contact his congressional representative and the EPA director to express his dismay at this delay. Lorraine Granado said she understands the seriousness of the problem in Libby and recognizes that the Working Group needs to focus on ensuring funding in the next round of funding. She suggested that the community members do some brainstorming about how to get political support for VB/I-70.

Bonnie assured the group that the removal actions would take place, but would be delayed approximately six months.

Joyce Tsuji suggested the agencies consider conducting an assessment of exposure for these 23 properties while awaiting removal funding. For example, if the lawn is in good shape, there may be less concern about the delay in removal of the yard. Gene Hook suggested that there could be education about exposure, in homes where there are children. Bonnie Lavelle agreed that these were possible and added ongoing monitoring is available for these residents.

Funding and Schedule for Remedial Work

Bonnie said that EPA Region 8 would ask for funding for *remedial* work (the remediation of yards that is not time-critical removal action) as of October 1, 2000, which is the new fiscal year. However, she cannot ask for funding for remedial action until EPA has gone through the process: completion of the Risk Assessment and the Proposed Plan, issuance of the ROD, and presentation to the Prioritization Panel. To be in the best position to receive funding for the remediation, she must submit the project to the Prioritization Panel as soon as possible, which would be in the October to December 2000 timeframe. Although the Working Group had discussed the benefits to the community of delaying the Risk Assessment to include all the data, this would result in a release of the Risk Assessment August 17, 2000, and issuance of the ROD in February 2001. To provide greater assurance of funding for the remediation, Bonnie would like to release the Risk Assessment early in July and issue the ROD in December. She would try to go to the Prioritization Panel before completion of the Remedial Design. Bonnie asked the Working Group about strategies which would help the community be comfortable with releasing the Draft Risk Assessment without all the Phase III-B data.

Bonnie presented the following schedule:

Draft Risk Assessment – 7/6

Phase III-B data – 7/30

ATSDR Public Health Assessment – 8/1

Comments on Draft Risk Assessment – 8/17

Draft Feasibility Study – 8/17

Comments on Draft Feasibility Study – 9/17

Draft Final Remedial Investigation/Risk Assessment/Feasibility Study –
9/30 Proposed Plan – 10/30

Lorraine Granado described several community concerns with the schedule:

- (1) The community wants to have their technical advisor(s) on board to review all these documents. Discussion led to a plan for EPA and the City to help the community draft a statement of work for the consultant and to expedite the paperwork process for hiring the consultant(s). The EPA, State, and City will suggest names of technical consultants to the community.
- (2) The community needs a Risk Assessment that is credible, and they are still concerned that the first draft will be written without the benefit of information from the Phase III-B testing. Bonnie explained that she can release the preliminary Phase III-B data now and provide the official III-B data during the comment period. The Phase III-B data can be wrapped into the Draft Final Risk Assessment when EPA responds to the comments on the Draft Risk Assessment that are

received by August 17. There will be another opportunity for comments and interaction after that.

- (3) The community has to balance the risk of delaying remediation funding until 2002 against the risk of making a mistake in the Risk Assessment. They need confidence that the cleanup will be well done, even if cleanup is delayed another year. (Sandy Douglas expressed her desire to see the remediation go forward as soon as possible and wondered if there could be an amendment to the ROD if new data indicated a different cleanup decision. Bonnie Lavelle said that an amendment to the ROD would be difficult. However, she can continue to sample and add properties to the cleanup list after the ROD.)

After discussion in a caucus, the community reported that they appreciate EPA's efforts to secure funding for the cleanup. They cannot support moving the timeline up until they are more confident about the Risk Assessment. Their confidence in the Risk Assessment (and their willingness to move ahead with the timeline) will be increased if:

- (1) They know how much Phase I and Phase II data is included in the Risk Assessment;
- (2) There is congruence between ATSDR's Public Health Assessment and the Risk Assessment;
- (3) They can have a TAG technical advisor who can review the Risk Assessment and the Health Assessment with the community prior to the end of the comment period.

Barbara O'Grady said that the State is supportive of EPA's desire to accelerate the schedule, that the State is committed to providing their comments on the documents on time, and that the State has staff who can share their expertise when the documents are reviewed at meetings. Jane Mitchell added that the State can brief the Chief Medical Officer about the delay and can talk with community members if they have concerns about the delay.

Celia VanDerLoop said that the City is disappointed in the delay of the removal action and that the City will support an accelerated schedule. She would like the toxicologists to talk about how the Phase I and Phase II data will be used, as compared to Phase III data, to set the cleanup level.

Bob Little said Asarco is comfortable on a technical basis that there is sufficient data to move forward on the Risk Assessment and Asarco respects the community's need for buy-in on the Risk Assessment in order for it to be credible.

Chris Arend told the Working Group that Councilwoman Degett's office is concerned about the delay, is sympathetic with the EPA's desire to assure funding, and is concerned about families' lives in Denver. He said he would be willing to strategize

with members of the community on how to communicate their concerns through the political process.

Sandee Coulberson, speaking for ATSDR, said that ATSDR wants to work with the community and will review the data as it comes from EPA. She reported that David Mellard would have his Health Assessment completed by late July or early August. The goal is to have the Public Health Assessment available in conjunction with the Risk Assessment.

Lorraine Granado asked whether a Potentially Responsible Party (PRP) would be named at the site and said that the community wants to know how the contamination occurred and would it be likely to happen again. Bonnie responded that the EPA is continuing to work on the question of where the contamination came from. This is the purpose of the Soils Characterization Study that is trying to create a fingerprint of the contamination to determine its source. She said this Study will be complete at the end of July, at which point the EPA will convene all the scientists and see if it is possible to determine a fingerprint. If it is possible to determine the source, then EPA will recover its cleanup cost from that source. However, the EPA does not want to delay the cleanup while it determines the source. The results of the Soils Characterization Study will be incorporated into the Remedial Investigation and will be summarized in the Proposed Plan. She noted that this Study does not have a bearing on cleanup levels; it relates to who will pay for the cleanup.

ATSDR Update

Sandee Coulberson reported on the Soil Pica Workshop that was held on June 8. The Working Group participants who attended included: Michael Maes, Anthony Thomas, Gene Hook, Joyce Tsuji, and Jane Mitchell. The panel was asked questions about: the prevalence of soil pica behavior, ingestion rates, means for identifying soil pica behavior, causes of pica behavior, bioavailability, and amounts of soils ingested. The panelists noted that soil pica behavior exists and that ATSDR should evaluate its extent. The conclusion for now is that 5000 mg should be used as an estimate of soil ingestion for soil pica behavior; this number should be confirmed by research. The panel recommended an investigation be conducted at VB/I-70 or another site to evaluate the prevalence of soil pica behavior. Sandee said that a report on the workshop would be available in the next couple of months. Participants from VB/I-70 noted:

- The panel could not come to agreement about the percentage of children that have soil pica behavior.
- The panel agreed that soil pica behavior should be considered at Superfund sites.
- The panel said that more research is needed to understand the extent of soil pica behavior and that this is a good time to conduct research because a number of agencies are looking at other child health issues.

- The panel said that VB/I-70 would be a good study site for further research, because of its size.
- There is agreement that soil pica behavior in children is a public health issue, but there is a concern that there is not adequate data to quantify the issue.

Teresa NeSmith reported that the Health Team had met on June 14. ATSDR has had some staff turnover. Norys Guerrero and Dianny You are replacing Dr. Lourdes Rosales and will be working as a tag team for the next six months on the Environmental Health Interventions project, which focuses on providers, screenings, and clinics. David Hewitt is leaving; ATSDR is working to find another physician to take his place.

Teresa said that everything is in place to begin the biomonitoring, pending the release of Phase III-B data. Bonnie Lavelle said that she can provide ATSDR with draft Phase III-B data so ATSDR can get started as soon as possible with the biomonitoring.

The Environmental Health Interventions project provides an opportunity for community residents to obtain medical screening by AOEC clinics. Although the physician will not provide a diagnosis, he/she will do an exposure history and can refer the resident for further evaluation. The program also includes provider information. Although the screening is available to all residents, the focus is on those with the highest level of exposure.

The Health Education project provides information to the community about the different activities that are going on.

The next Health Team meeting will be by July 19 at 1:30 PM at Cross-Community Coalition.

Update on Colorado Department of Transportation's Air Monitoring Program

Jim Paulmeno of CDOT's environmental office introduced his team: Del Walker, CDOT's resident engineer who has jurisdiction over I-70, Paul Casey from Spectrum who is the Health and Safety Officer for Phase 2 and 3 of the construction, Mark Asoian, and Stacey Stegman. Del described the construction project near the VB/I-70 site and CDOT's air-monitoring program. The construction involves the last section of the Mousetrap reconstruction, including replacement of the I-70 viaduct portion between the Mousetrap and Brighton Boulevard. CDOT decided to take proactive measures by conducting soil sampling and air monitoring, so that they could deal with any elevated levels of contamination. CDOT conducted a site assessment to (1) minimize their liability and (2) to ensure they had the proper health and safety protocols. They wanted to look at the dust from their operations to ensure they were not adding to the contamination in the area. During excavation, they have taken readings from their air monitoring stations every third day. During their first quarter,

they had one exceedance for PM 10 (February 9). On February 15, there was an elevated measurement of arsenic, .03 mg/cubic centimeter, in Station #2. The State of Colorado has no standards for arsenic and lead.

Bonnie Lavelle said that EPA would look at this single exceedance, but that it did not pose a threat.

Michael Maes expressed concern that CDOT will miss information when winds are from the northwest. Paul Casey said prevailing winds are from the southwest. Michael further expressed concern that adequate testing is not being done in the area of the railroad yards.

CDOT will provide the air monitoring data to the community, David Folkes, Sandee Coulberson, and the EPA information repositories. Bonnie Lavelle will mail or bring to the Working Group meeting in July the two-page summary of the data.

Bonnie Lavelle suggested that CDOT establish a central point of contact. CDOT will arrange this and let Bonnie know. Bonnie will inform the Working Group.

Celia VanDerLoop asked about comparisons between CDOT data and State data. Paul Casey explained that CDOT has not yet made a comparison and that the State's data for the metals is gathered through a different method.

Anthony Thomas described an experience where he contacted CDOT when there was a lot of dust blowing from the construction. Del Walker said that the contractor is aware of their responsibility to suppress the dust. He told the group that if they have any questions or concerns related to dust, they should call **Jeff Clevenger at 303-294-0029** and to also call him, **Del Walker at 303-984-5264**. It will be helpful if the caller can provide specific locations, time, and as much detail about the dust conditions as they can.

In response to a question from Lorraine Granado, Del Walker explained that after the completion of the Environmental Assessment, CDOT had Spectrum re-write the Health and Safety Plan, which was discussed with EPA and CDPHE. Lorraine stated that CDOT should pay special attention to communities where there is known contamination. Bonnie Lavelle noted that CDOT's air monitoring program is voluntary, that there are no environmental regulations that require this effort.

Environmental Justice Update

The group reviewed the Environmental Justice checklist drafted by the facilitators and based on the community's letter and Working Group discussion on environmental justice (at the March Working Group meeting). There were suggestions for minor changes (a revised checklist will be distributed), and the group agreed to review this checklist at future meetings.

Celia VanDerLoop reported that on June 18, a National Environmental Health Association conference would be held in Denver. The information they are considering is in too technical a format at the moment. The Association will develop a presentation geared toward a different audience. When it is ready, she will bring it to the Working Group.

Michael Wenstrom reported that Carol Russian, Liz Evans, and he met with Copeen to discuss environmental justice issues at this site. Carol Russian then met with people at the State and the City to express concern about this neighborhood. There will be a meeting with the community to talk about how to identify what has an impact on the environment and what tools are and are not available. This will be a one- to two-year project. Brenda South will attend the next Working Group meeting to talk about her project.

Bonnie Lavelle said that she is focusing on what information any of these efforts can lend to EPA's consideration of cumulative impacts, which is an important element of the remediation decision.

Lorraine Granado said that the issue of inhalation as a pathway of exposure must be addressed in the Risk Assessment. Bonnie said that it would be addressed in that document. Inhalation will be discussed at the next Working Group meeting.

Michael Wenstrom reported on the NEJAC meeting held May 23-26 in Atlanta. He distributed the Meeting Synopsis and an article from the Anniston Star on the meeting. The focus of the meeting was on health and how information on community health can be incorporated into a recommendation on cumulative and disproportionate impacts. Michael said he has information in his files on specific discussions from the workshop. He will provide copies to Lorraine and Anthony. Lorraine said that when the community meets with Carol Russian, she would like the agenda to include the topic of mercury emission from coal power plants.

Community Involvement

Ted Fellman distributed copies of the Draft Community Involvement Plan and requested comments by the next Working Group meeting (July 20). He wants to address all the concerns about the best way to reach the community. Each agency should review and modify the "agency roles section." He asked the group to look at the appendices in the back of the Plan to see if there are any omissions or if anything needs to be updated. Ted said the final Plan will be in 3-ring binders so it can be updated on an ongoing basis.

Ted will welcome comments by phone, or he will meet with anyone in person, or people can give Ted a marked-up copy of the Plan. Ted would like this Plan to reflect the best approach to Community Involvement at the site.

Operable Unit 2

Marc Herman, the EPA Remedial Project Manager for Operable Unit 2 at the VB/I-70 Superfund site provided a handout on the process that will be followed on Operable Unit 2. He reviewed this process. He said that in the next two weeks, the Enforcement Section (attorneys and technical staff) will evaluate all the information that has been collected and will make a decision about whether there are liable parties at Operable Unit 2. If there is a positive response, EPA will enter into negotiations with the parties. Once the PRPs are notified of their liability, the Working Group can be informed of the names of the PRPs. [This was confirmed by Marc subsequent to this meeting.]

Discussion of liability included:

- Liability is associated with ownership and operation. However, where there is contamination in residential areas, the EPA does not make the homeowners liable.
- At Operable Unit 1, EPA has sent requests for information to the company that makes the pesticide, to Asarco, and to the City.
- Asarco recognizes that it is a PRP at Omaha Grant and intends to cooperate with the EPA on the Remedial Investigation and the Feasibility Study.

Marc corrected his handout orally, noting that EPA *and the State* will select a preferred alternative. [A revised handout will be included with this Meeting Summary, to include *and the State* in #s 9-12]

Marc said that he will involve the Working Group in activities at Operable Unit 2 as this project evolves and that he wants to ensure that EPA is properly addressing the Working Group's concerns about the Operable Unit 2 site. Operable Unit 2 activities will be incorporated into the Community Involvement Plan.

Upcoming Meetings

Health Team – July 19, 1:30 PM, Cross-Community Coalition

Working Group – July 20 (8:30-3:00), August 17 (8:30-3:00), 9/21, 10/19, 11/16

Agenda Items for July 20 Working Group Meeting - 8:30AM to 3:00PM

- Community issues
- Draft Risk Assessment
- Update on ATSDR Public Health Assessment and other activities
- Environmental Justice

- Update from Brenda South on VB/I-70 project
- Inhalation as a pathway of exposure (what studies are being done and how it affects people)
- Draft Community Involvement Plan
- Update on Operable Unit 2

Action Items

- Ted Fellman – reserve Swansea Recreation Center for upcoming Working Group meetings
- Bonnie Lavelle – obtain and distribute to Working Group the name of the central point of contact for CDOT's air monitoring program
- Also distribute (or bring to July 20 meeting) CDOT's 2-page summary of the air-monitoring data
- Michael Wenstrom – Provide information from NEJAC workshop to Lorraine Granado and Anthony Thomas
- Facilitators – revise Environmental Justice checklist
- Working Group – give comments to Ted on the Draft Community Involvement Plan by July 20 (by phone, in person, or by marked-up copy). Review the appendices, correct any omissions, and note any updates needed.
- Community - Update the "Community Concerns" section of the Draft Community Involvement Plan and provide changes to Ted.
- State, City, and ATSDR - Review and modify Draft Community Involvement Plan section on Agency Roles and provide changes to Ted.

Handouts

- National Environmental Justice Advisory Council Meeting Synopsis, 5/23-5/26,2000
- Article, "NEJAC scrutinizes environmental hot-spots," The Anniston Star, 5/28/2000
- EPA's Process for Initiating a Remedial Investigation and Feasibility Study at a Superfund Site where there may be Liable Parties
- Draft Community Involvement Plan